IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

Bail Appl..No. 7919 of 2007()

(CRIME NO.590 OF 2007 OF KONNI POLICE STATION)

PETITIONER: ACCUSED:

AMMINI, AGED 46, W/O.KUNJUMON,
MULLAKKUZHI MURUPPEL HOUSE, V.KOTTAYAM VILLAGE,
PATHANAMTHITTA.

BY ADV. SRI.RAJA VIJAYARAGHAVAN
SRI.M.T.SURESH KUMAR

RESPONDENT: STATE:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

B.A. No. 7919 OF 2007

Dated this the 17th day of December, 2007

ORDER

Application for anticipatory bail. The petitioner – a woman, faces allegations for having committed the offence punishable under the Kerala Abkari Act. She was allegedly found to be in possession of 9 litres of arrack. She allegedly ran away. She apprehends imminent arrest.

2. When this petition came up for admission today, the learned counsel for the petitioner submits that the petitioner shall be satisfied if the learned Magistrate is directed to consider her application for bail when she surrenders before the learned Magistrate expeditiously.

3. I do not think that any specific directions of this Court are necessary at all. If an accused person surrenders before the learned Magistrate after giving sufficient prior notice to

the Prosecutor in charge of the case, it is the duty of the court to consider such application for bail on merits, in accordance with law and expeditiously. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339). I do not think it necessary to issue any more specific directions in this case.

4. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge